IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 3455 of 1995

Between:

1 S.Masthanaiah, s/o. Pullaiah,
2 Radhaiah S/o Chennaiah,
3 B.Venkata Subba Reddy, S/o.Lakshineswar reddy
4 N.Venkateswarlu, s/o Penchal Narasaiah,
5 P.Seshamma, W/o. Ramesh,

(All are residents of Cheekavolu (V) Sydapuram Mandal, Nellore

District.)

..... PETITIONERS

AND

1 The District Collector,
Nellore,
2 Joint Collector,
GUDUR Nellore,
3 Mandal Revenue Officer,
Sydapuram, Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or more particularly one in the nature of writ of mandamus declaring the arbitrary and high handed action of the 3rd respondent in proposing to form the road through the petitioners lands in S.No.391, 400, 402, 403, 331/2, 331/3, 331/4, and 331/5 in Cheekavolu village, Sydapuram Mandal, Nellore dist and further direct the respondents 1 and 2 not to proceed further without due corn of law.

Counsel for the Petitioner: SMT. M.VINOBHA DEVI

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following ORAL ORDER:

This Writ Petition has been filed seeking declaration of the action of the 3rd respondent in proposing to form the road through the petitioners lands in Sy.Nos.391, 400, 402, 403, 331/2, 331/3, 331/4 and 331/5 in Cheekavolu village, Sydapuram mandal, Nellore District as illegal and arbitrary.

The case of the petitioners is that they are the absolute owners of the lands in Sy.Nos. 391, 400, 402, 403, 331/2, 331/3, 331/4 and 331/5 in Cheekavolu Village, Sydapuram Mandal, Nellore District and they are cultivating the said lands by raising seasonal crops. It is also stated that they have been in continuous possession and enjoyment of the same and they are eking out their livelihood with the income derived from that cultivation.

Further, the case of the petitioners is that on 14-2-1995 3rd respondent on the instructions and active support of the local M.L.A., entered the land and removed the thorny fence raised for the protection of men and cattle with a view to provide a pathway to the residents of the villages residing in Sy.No.407 and due to such removal, they sustained heavy loss. In that connection, they issued a legal notice to the 3rd respondent, but no reply has been issued to the same. The petitioners came to know that the 3rd respondent with the active support of villagers trying to lay road through their lands. It is also stated that they made representations to the respondents dated 26-12-1994, 17-10-1994 and 09-01-1995, but the same are still pending without consideration.

In the above circumstances, I feel it appropriate to direct the respondents to dispose of the representations of the petitioners within a period of three months from the date of receipt of a copy of this order. Till disposal of the said representations, the interim stay granted by this Court on 24-02-1995 shall continue.

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(T.MEENA KUMARI,J)

9th September, 2004.

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To

1 The District Collector,
Nellore,
2 Joint Collector,
Gudur Nellore,
3 Mandal Revenue Officer,
Sydapuram, Nellore Dist.

4 Two CCs to the GP for Revenue, High Court,

Buildings, Hyderabad (O.U.T.)

5 Two CD Copies.